

A regular meeting of the Michigan State Employees' Retirement System Board was held at the State Secondary Complex, General Office Building, First Floor, Conference Room A, Lansing, Michigan, on March 6, 2008. The following members, staff and observers participated:

Members Present: David Dekker, Employee Member
Douglas Drake, Retiree Member
George Elworth representing the Attorney General
Calvin Frappier, Retiree Member
Vernon Johnson, representing the State Treasurer
Daniel McLellan, representing the Director of Civil Service
Craig Murray, representing the Deputy Auditor General
John Schoonmaker, representing the Commissioner of the
Office of Financial and Insurance Services

Staff Present: Phil Stoddard, Executive Secretary
Kathy Ciaramella, Recording Secretary

Others Present: Stephen Rideout, of the Attorney General's Office; Janet Ketchum, of the Retirement Coordinating Council; Leland Hall, of SERA; Laurie Hill and Kathy Tober, of the Office of Retirement Services; and visitor Cara Frappier

Call to Order

Chair Douglas Drake called the meeting to order at 1:37 p.m.

Excusing of Absent Members

Daniel McLellan moved, Craig Murray supported, to excuse the absence of Harry Posner. The motion carried unanimously.

Approval of Agenda

Daniel McLellan moved, David Dekker supported, to approve the agenda as presented. The motion carried unanimously.

Approval of Minutes

Daniel McLellan moved, George Elworth supported, to approve the meeting minutes of January 24, 2008, as presented. The motion carried unanimously.

Disability Retirement Applications

Non-Duty Disability Retirement Applications

David Dekker moved, Daniel McLellan supported, to approve the non-duty disability applications 1 – 5, 7 – 10 as presented in the Supplemental Information to the Agenda, 7A, except application 6. The motion carried unanimously.

Following discussion, Craig Murray moved, Daniel McLellan supported, to approve application 6 with the provision of a 2-year re-examination. The motion carried unanimously.

Non-Duty Disability Re-examination Case

Daniel McLellan moved, John Schoonmaker supported, to approve the non-duty disability re-examination case 1 – 1, as presented in the Supplemental Information to the Agenda, 7B. The motion carried unanimously.

Administrative Hearings

Proposal for Decision – Docket 2007-1425 SERS

The Board considered the case materials. Daniel McLellan moved, Vernon Johnson supported, that the Board adopt as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 5, 2007, including the proposed Findings of Fact and Conclusions of Law, except for the changes requested by Respondent, and deny duty and non-duty disability retirement benefits to Petitioner, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2006-AH074

The Board considered the case materials. Daniel McLellan moved, David Dekker supported, that the Board adopt as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 13, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and deny duty disability retirement benefits to Petitioner, using the form of decision and order offered by Respondent. The motion carried unanimously.

Motion to Disqualify the Attorney General and Proposal for Decision – Docket 2006-479 SERS

The Board considered the case materials. Daniel McLellan moved, Calvin Frappier supported, to deny the motion to disqualify the Attorney General. George Elworth stated for the record, "I would like to say as I have said I think, at the last meeting, that I have had no prior contact with this case and have received only the information and materials that the other board members have received and I am not aware of any reason why I cannot proceed in voting on this matter." Following discussion the board voted to deny the motion to disqualify the Attorney General. The motion carried unanimously.

The Board considered the case materials. Vernon Johnson moved, John Schoonmaker supported, that the Board adopt as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 20, 2007, including the proposed Findings of

Fact and Conclusions of Law except for the changes requested by Respondent, and deny duty disability retirement benefits to Petitioner, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2007-3856 SERS

The Board considered the case materials. David Dekker moved, Vernon Johnson supported, that the Board adopt as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 5, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and deny duty disability retirement benefits to Petitioner, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2007-AH043

The Board considered the case materials. Daniel McLellan moved, Craig Murray supported, that the Board adopt as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 14, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and grant Petitioner non-duty disability retirement benefits, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2007-2981 SERS

The Board considered the case materials. Craig Murray moved, David Dekker supported, that the Board adopts as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 28, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and deny non-duty disability retirement benefits based upon the administrative record, using the form of decision and order offered by Respondent. George Elworth stated for the record, "I have not participated in this case except to receive the materials that have been provided to the other board members and I am prepared to vote on this particular case." Voting took place following the record statement. The motion carried unanimously.

Proposal for Decision – Docket AH059

The Board considered the case materials. Daniel McLellan moved, Vernon Johnson supported, that the Board reject the recommendation of the Presiding Officer in the Proposal for Decision dated December 13, 2007, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner non-duty disability retirement benefits based upon Respondent's exceptions and the administrative record, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2007-2982 SERS

The Board considered the case materials. Daniel McLellan moved, Craig Murray supported, that the Board adopts as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 21, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and deny non-duty disability retirement benefits, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2007-AH050

The Board considered the case materials. Daniel McLellan moved, John Schoonmaker supported, that the Board adopts as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 26, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and deny duty disability retirement benefits, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2007-AH031

The Board considered the case materials. Daniel McLellan moved, Calvin Frappier, supported, that the Board adopts as its own the recommendation of the Presiding Officer in the Proposal for Decision dated December 28, 2007, including the proposed Findings of Fact and Conclusions of Law except for the changes requested by Respondent, and deny duty and non-duty disability retirement benefits, using the form of decision and order offered by Respondent. The motion carried unanimously.

New Business

Motion to Take Deposition – Docket 2008-95 SERS

The Board considered the case materials. Daniel McLellan moved, Craig Murray supported, that the Board deny Petitioner's request to take deposition on the grounds that it has not been shown "impractical or impossible to otherwise obtain the evidence." The motion carried unanimously.

Approval of SERS Administrative Rules

Daniel McLellan moved, John Schoonmaker supported, to approve the adoption of the Administrative Rules as presented to the board. A roll call vote was taken to confirm the approval:

David Dekker	Yes	Daniel McLellan	Yes
George Elworth	Yes	Craig Murray	Yes
Calvin Frappier	Yes	John Schoonmaker	Yes
Vernon Johnson	Yes	Douglas Drake	Yes

The motion carried unanimously

Legislative Report

The current report was included in the agenda packet. Chair Douglas Drake commented on HB 5636.

Board Comment

David Dekker complimented staff on providing educational information in the IMA statement of disability and asked about the indication of alternative or sedentary work availability. Discussion with staff followed.

Public Comment

No comments were received.

Adjournment

Vernon Johnson moved, Craig Murray supported, to adjourn the meeting at 2:20 p.m. The motion carried unanimously.

OFFICIAL MINUTES

John R. Schoonmaker
Vice-Chair

Philip J. Haddad
Executive Secretary